

Developmental Disabilities Council

Reading Cover Page

Date: November 18, 2004

Meeting: Public Policy Committee

Reading Number: 04-P12

Issue: History of Ombuds Bills

Included in this Reading:

- History of DD ombudsman bills in the Legislature
- Summary of current proposal

Background/Summary:

This is background material for committee members.

Action:

Discussion

HISTORY OF DD OMBUDSMAN LEGISLATION In Washington State

1999 Session – HB 1752

Children and Family Services Committee

Amended the state Long-Term Care Ombudsman statute to add protection of persons with developmental disabilities to the responsibilities of the state Long-Term Care Ombudsman

This legislation followed a series of tragic incidents, which harmed individuals with developmental disabilities and cost the state millions of dollars in negligence lawsuits, as exposed in a Seattle newspaper series called “Throwaway People”. Ed Holen and Sue Elliott requested that Governor Locke impose a moratorium on placement of people with developmental disabilities in adult family homes and boarding homes and institute a 7-step approach to improve quality of services for individuals with developmental disabilities. One of the steps was to create a DD ombudsman program with the authority to require enforcement action in cases of abuse, neglect, exploitation and danger.

Support:

WPAS was the lead, DDC, Arc, Long-Term Care Ombudsman Program

Opposition

- The Adult Family Home and Boarding Home Owners Associations
- DD Supported Living providers
- DD Institution supporters

Legislative concerns:

- Costs
- Why create another discrete ombuds program (the state had ombudsman programs for long-term care, children's and mental health). Figure out how to combine and coordinate all ombuds functions for all populations into one umbrella function.
- Isn't this the responsibility of the Protection and Advocacy System under their federal law? They could be doing this now if it was so important that it be done.
- The state Long-Term Care Ombudsman wasn't funded to actively serve the whole state yet, so why add another group of people to his responsibilities before he could fulfill his original job?

The bill died.

2001 Session- HB 1338/SB 5473

Committee on Children and Family Services

Committee on Health and Long-Term Care

Request legislation from the Dept of Community Trade and Economic Development, developed by DD Council staff.

Created a Long-Term Care Ombudsman Program to provide ombudsman services to all persons eligible under DDD's statute, except for those residing in licensed long-term care facilities that make them eligible for long-term care ombudsman services. Within available funding, priority consideration was to be given to Medicaid-funded individuals receiving community-based services.

Required the program to be contracted out and the contract would meet certain criteria, such as being independent, have

statewide capacity and provide DD training. Duties were to investigate, protect, provide information, report, coordinate with and refer to other agencies, recruit and train volunteers, conduct outreach – more specific delineation of duties than 1997 bill.

The Council discussed the following criteria for an ombudsman proposal (first four proposed by WPAS). A DD Ombudsman Program must include: Independence, advocacy role, statewide, accessible, have authority, conduct training, exclusive focus on developmental disabilities, appropriate level of funding, Council and staff remain engaged throughout the process.

Fiscal Note: \$820,000 requested in the Governor's budget.

Support:

DD Council lead, Arc of Washington, some providers

Opposition:

DD institution supporters

The bill died.

Current Ombudsman Proposal:

The Home Care Quality Authority has requested that the Governor include in his budget the development of an In-Home Ombudsman Program.

Duties of the Long-Term Care Ombudsman would be expanded to include adult consumers who receive home care services from publicly funded individual providers.

This would include individuals with developmental disabilities who qualify for DDD personal care services.

The program would:

- Appoint a representative stakeholder advisory council
- Develop a strategic plan for implanting a long-term care ombudsman program throughout the publicly funded home care service system and report that plan to legislative committees in 2006.
- Report to the HCQA on a regular basis on the plan, including providing information on the number of consumers served, types of issues addressed and the effectiveness of resolution of complaints.
- Require training on independent living principles and dispute resolution
- Identify, investigate and resolve complaints made by or on behalf of consumers of publicly funded in-home care services
- Provide information on rights and services
- Train volunteers and promote development of citizen organizations to support consumer independence and self-determination
- Develop procedures governing the right of entry to homes
- Maintain appropriate confidentiality

Fiscal Note: \$859, 241 for the second year

The first year would be for developing infrastructure, making referrals, developing policies and training materials and establishing relationships with advocacy groups, agencies and providers. This will result in a report and plan for the Legislature.

The second year would involve hiring and training five paid in-home LTCOP managers to respond to complaints on the hotline.

Staff note: This information is based on a proposal at a point in time. What the Governor or any legislator or group does at a different point in time can change the information.